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member, for moving the tissue penetrating member from one of the first or second positions [in a direction substantially non-parallel to the catheter body] to the other of the first or second positions, the actuator adding energy to the tissue penetrating member as the tissue penetrating member moves from the first position to the second position.

Sub C1
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86. (Amended) An intravascular therapeutic catheter comprising:
an elongate catheter body having a distal portion and an axis;
a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate the distal portion and operably coupled to the elongate catheter body and having a first non-penetrating position and a second tissue penetrating position;
and
an actuator member disposed proximate the distal portion and operably coupled to the tissue penetrating member, for moving the tissue penetrating member from one of the first or second positions to the other of the first or second positions in a substantially transverse path with respect to the axis.

Sub C2
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91. (Amended) An intravascular therapeutic catheter comprising:
an elongate catheter body having a distal portion and an axis;
a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of

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no more than approximately 90 degrees, the tissue penetrating member being disposed proximate the distal portion and operably coupled to the elongate catheter body and having a first non-penetrating position and a second tissue penetrating position; and

an actuator member disposed proximate the distal portion and operably coupled to the tissue penetrating member, for moving the tissue penetrating member a limited distance from one of the first or second positions in a direction substantially non-parallel to the catheter body to the other of the first or second positions.

Sub 103. (Amended) A method for treating cardiac tissue comprising the steps of:

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providing an intravascular therapeutic catheter having an elongate catheter body, an actuator and a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being operably coupled to the catheter body and disposed proximate a distal portion of the catheter body, the tissue penetrating member having a first non-penetrating position and a second tissue penetrating position; navigating the catheter through vasculature to a treatment site proximate the cardiac tissue; and adding energy to the tissue penetrating member to move the tissue penetrating member from the first position in a direction substantially non-parallel to the catheter body to the second position.

Sub 120. (Amended) ~~A method for treating cardiac tissue comprising~~
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the steps of:

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providing an intravascular therapeutic catheter having an elongate catheter body, an actuator and a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being operably coupled to the catheter body and disposed proximate a distal portion of the catheter body, the tissue penetrating member having a first non-penetrating position and a second tissue penetrating position; navigating the catheter through vasculature to a treatment site proximate the cardiac tissue; and moving the tissue penetrating member from one of the first or second positions to the other of the first or second positions in a substantially transverse path with respect to a longitudinal axis of the catheter body.

Sub C 157

125. (Amended) A method for treating cardiac tissue comprising the steps of:

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providing an intravascular therapeutic catheter having an elongate catheter body, an actuator and a tissue penetrating member with a tissue penetrating tip, disposed at an angle relative to the catheter body, the angle opening in a proximal direction of no more than approximately 90 degrees, the tissue penetrating member being operable coupled to the catheter body and disposed proximate a distal portion of the catheter body, the tissue penetrating member having a first non-penetrating position and a second tissue penetrating position;

36 navigating the catheter through vasculature to a treatment site; and moving the tissue penetrating member a limited distance from one of the first or second positions to the other of the first or second positions.

132. (Amended) A method for treating cardiac tissue comprising the steps of:

37 providing an intravascular catheter of the type having an elongate catheter body and a tissue penetrating member operably coupled to the catheter body and having a tissue penetrating tip disposed at an angle relative to the catheter body, the angle opening in a proximal direction of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate a distal portion of the catheter body, the penetrating member having a first non-penetrating position and a second tissue penetrating position;

navigating the catheter through vasculature to a treatment site proximate the cardiac tissue to be treated;

moving the tissue penetrating member from one of the first or second positions in a direction substantially non-parallel to the catheter body to the other of the first or second positions; and

delivering a drug comprising a genetic material to the treatment site.

133. (Amended) A method for treating cardiac tissue as in claim [131] 132 wherein the genetic material, when incorporated into the tissue penetrating member, results in the expression of therapeutic materials.

139. (Amended) A method of treating cardiac tissue as in claim

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132 wherein the cardiac tissue is proximate a coronary vessel having a wall and wherein the drug is delivered outside the wall of a coronary vessel.

Sub C18
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142. (Amended) A method for treating cardiac tissue comprising the steps of:

providing an intravascular catheter of the type having an elongate catheter body and a tissue penetrating member operably coupled to the catheter body and having a tissue penetrating tip disposed at an angle relative to the catheter body, the angle opening in a proximal direction of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate a distal portion of the catheter body, the penetrating member having a first non-penetrating position and a second tissue penetrating position;

navigating the catheter through vasculature to a treatment site proximate the cardiac tissue;

moving the tissue penetrating member from one of the first or second positions in a direction substantially non-parallel to the catheter body to the other of the first or second positions; and

delivering a drug comprising glycoprotein or a fragment thereof to the treatment site.

143. (Amended) A method for treating cardiac tissue comprising the steps of:

providing an intravascular catheter of the type having an elongate catheter body, a tissue penetrating member operably coupled to the catheter body and disposed proximate a distal portion of the catheter body, the penetrating member having a first non-penetrating position and a second tissue penetrating position, and having a tissue

penetrating tip disposed at an angle relative to the catheter body, the angle opening in a proximal direction of no more than approximately 90 degrees, and further having an actuator member operably coupled to the tissue penetrating member disposed proximate a distal portion of the catheter body for moving the tissue penetrating member from one of the first or second positions to the other of the first or second positions;

navigating the catheter through vasculature to a treatment site proximate the cardiac tissue;

actuating the tissue penetrating member whereby the tissue penetrating member moves from one of the first or second positions in a direction substantially non-parallel to the catheter body to the other of the first or second positions; and

delivering a drug to the treatment site wherein the drug is selected from the group consisting of: a peptide, a protein and a fragment thereof.

147. (Amended) A method for treating cardiac tissue comprising the steps of:

providing an intravascular catheter of the type having an elongate catheter body, a tissue penetrating member operably coupled to the catheter body and having a tissue penetrating tip disposed at an angle relative to the catheter body, the angle opening in a proximal direction of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate a distal portion of the catheter body, the penetrating member having a first non-penetrating position and a second tissue penetrating position, and further having an actuator member operably coupled to the

penetrating member and disposed proximate a distal portion of the catheter body for moving the tissue penetrating member from one of the first or second positions to the other of the first or second positions;

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navigating the catheter through vasculature to a treatment site proximate the cardiac tissue;
actuating the tissue penetrating member whereby the tissue penetrating member moves from one of the first or second positions in a direction substantially non-parallel to the catheter body to the other of the first or second positions; and delivering a drug comprising a genetic material to the treatment site.

Please add claims 167 and 168 as follows:

sub 137 167.
The method of claim ~~142~~¹³⁶ wherein delivering a drug comprises:

delivering genetic material.

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The method of claim ~~143~~¹³⁸ wherein delivering a drug comprises:

delivering genetic material.